

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOYCE DYER,

Plaintiff,

v.

JOHN DOE, *et al*,

Defendants.

Case No. C05-5064FDB

ORDER ADOPTING R&R IN
PART AND DISMISSING
CAUSE OF ACTION

Plaintiff filed her Complaint in January 2005, was released from jail, and advised the Court of her new address on February 7, 2005. On February 14, 2005, there was an order from the Magistrate Judge to show cause regarding certain deficiencies. Plaintiff made no response to this Order to Show Cause. On April 4, 2005, the Magistrate Judge issued her Report and Recommendation recommending that the cause of action be dismissed unless Plaintiff pays the \$150 filing fee within thirty days of the Court's order. While the Clerk mailed a copy of this order to Plaintiff's new address, the mail was returned as undeliverable "Not Here" [Dkt. # 8]. Because Plaintiff has failed to keep the Court informed of her address, this cause of action should be dismissed for failure to abide by the Court's orders and failure to prosecute.

The Court, having reviewed the report and recommendation and the remaining record, hereby finds and ORDERS:

- (1) The Magistrate Judge's report and recommendation is approved and adopted in part as follows:
- (2) Plaintiff's application to proceed *in forma pauperis* is DENIED.
- (3) Rather than giving Plaintiff time to pay the filing fee, this cause of action is DISMISSED, as Plaintiff has failed to keep the Court advised of her current address;
- (4) the Clerk is directed to send copies of this Order to Plaintiff and any other party that has appeared in this action, and to the Honorable Karen L. Strombom.

DATED this 13th day of May 2005.



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE